

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

This Document Relates To All Actions

**JOINT MOTION FOR ENTRY OF CASE MANAGEMENT ORDER APPOINTING
PLAINTIFF AND DEFENSE LEADERSHIP FOR THE MAY 2025 TO MAY 2026 TERM**

Pursuant to CMO Nos. 2, 3, 10, 15, 24, and 29, and the Court's instructions, the Defense Co-Leads and Defense Coordinating Committee and the Plaintiffs' Co-Leads and Plaintiffs' Executive Committee (collectively, the "Parties"), jointly move for entry of a proposed case management order appointing Plaintiff and Defense Leadership for the May 2025 to May 2026 term (attached as Exhibit 1). In support of this Motion, the Parties state as follows:

1. In CMO Nos. 2, 3, 10, 15, 24, and 29, the Court appointed attorneys as Plaintiffs' Co-Lead Counsel and Liaison Counsel, as well as to the Plaintiffs' Executive Committee ("PEC"). The Court also appointed attorneys as Defendants' Co-Lead Counsel and Co-Liaison Counsel, as well as to the Defense Coordination Committee ("DCC"). The Court re-appointed its PEC and DCC lawyers for the 2024-2025 term via Order dated April 25, 2024. [ECF No. 4904].

2. Each of those appointments were for one-year terms and each appointee is required to apply for continued service thereafter.

3. As it pertains to the PEC re-appointments, in order to be eligible for re-appointment, Co-Lead Counsel by and through Special Master Perry and Daniel Balhoff, Esq. of his office has requested that each PEC member confirm their commitment to the PEC and this Court. Co-lead counsel requested that each member affirmatively agree that in order to seek re-appointment, said PEC member is thereby confirming commitment to all prior PEC duties, obligations, and

controlling case management orders. In doing so said PEC member also re-affirmed their commitment to: (1) work cooperatively with the PEC; (2) willingness to support and provide funding and work, as necessary and requested by co-lead counsel, to assist in the prosecution of the claims in this MDL both through work and financial resources as deemed necessary and warranted; and (3) the agreement to be bound by all Orders of this Court. Each prospective PEC renewal member has confirmed the above to co-lead counsel.

4. Second, Special Master Perry and Daniel Balhoff, Esq. in connection with their appointment pursuant to CMO 18A dated June 8, 2021 [ECF 1686] and their role and familiarity with each PEC member as well as the additional member(s) to be added hereby support the re-appointments and the appointments to the PEC. In their roles they have had communications with each member and reviewed past-work performed, and they support the re-application of each PEC member at this time.

5. As noted in the proposed order, the Defense Leadership, with the Court's permission and approval, seeks to appoint Daniel L. Ring to replace Michael A. Olsen as Co-Lead Counsel for the Defense. Mr. Ring has served on the DCC since its inception and has played a leading role in coordination of the defense, worked closely with current Co-Lead Counsel and ongoing Co-Lead Counsel, Joseph Petrosinelli, and has extensively worked with the PEC and Co-Lead Counsel for Plaintiffs throughout this MDL.¹ The Defense Leadership also seeks to appoint Amanda S. Kitts to replace David E. Dukes as Co-Liaison Counsel for Defendants, with Mr. Dukes remaining as a member of the DCC. Ms. Kitts regularly has practiced in South Carolina, including the District of South Carolina, for more than 20 years, and has represented defendants in a number of MDL proceedings, including *In re Lipitor*. Ms. Kitts has served on the DCC since April 2019

¹ With the thanks and appreciation of the Defense for his efforts, Mr. Olsen will be stepping down as his firm will no longer be representing a defendant in the MDL.

[ECF No. 72]. She has been an active member of the DCC and has been involved in all aspects of the litigation. Ms. Kitts and Mr. Dukes are both partners at Nelson Mullins Riley & Scarborough, LLP, which will enable an efficient transition of Mr. Dukes' duties and responsibilities as Co-Liaison Counsel for Defendants.

6. The Parties request the renewal of certain appointments as well as some additions and/or changes to the appointments to the Plaintiff and Defense Leadership, as set forth in the proposed case management order. For any newly requested appointments, the Parties will provide resumes to assist the Court in its review.

WHEREFORE, the Parties respectfully request that the Court enter the proposed case management order, attached as Exhibit 1.

Dated: August 6, 2025

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